

110TH CONGRESS
1ST SESSION

S. 1

AN ACT

To provide greater transparency in the legislative process.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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1 **TITLE I—LEGISLATIVE TRANS-**
 2 **PARENCY AND ACCOUNT-**
 3 **ABILITY ACT OF 2007**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Legislative Trans-
 6 parency and Accountability Act of 2007”.

7 **SEC. 102. OUT OF SCOPE MATTERS IN CONFERENCE RE-**
 8 **PORTS.**

9 (a) IN GENERAL.—A point of order may be made by
 10 any Senator against any item contained in a conference
 11 report that includes or consists of any matter not com-
 12 mitted to the conferees by either House.

13 (1) For the purpose of this section “matter not
 14 committed to the conferees by either House” shall
 15 include any item which consists of a specific provi-
 16 sion containing a specific level of funding for any
 17 specific account, specific program, specific project,
 18 or specific activity, when no such specific funding
 19 was provided for such specific account, specific pro-
 20 gram, specific project, or specific activity in the
 21 measure originally committed to the conferees by ei-
 22 ther House.

23 (2) For the purpose of Rule XXVIII of the
 24 Standing Rules of the Senate “matter not com-
 25 mitted” shall include any item which consists of a

1 specific provision containing a specific level of fund-
 2 ing for any specific account, specific program, spe-
 3 cific project, or specific activity, when no such spe-
 4 cific funding was provided for such specific account,
 5 specific program, specific project, or specific activity
 6 in the measure originally committed to the conferees
 7 by either House.

8 The point of order may be made and disposed of sepa-
 9 rately for each item in violation of this section.

10 (b) DISPOSITION.—If the point of order raised
 11 against an item in a conference report under subsection
 12 (a) is sustained, then—

13 (1) the matter in such conference report shall
 14 be stricken;

15 (2) when all other points of order under this
 16 section have been disposed of—

17 (A) the Senate shall proceed to consider
 18 the question of whether the Senate should re-
 19 cede from its amendment to the House bill, or
 20 its disagreement to the amendment of the
 21 House, and concur with a further amendment,
 22 which further amendment shall consist of only
 23 that portion of the conference report that has
 24 not been stricken (any modification of total
 25 amounts appropriated necessary to reflect the

1 deletion of the matter struck from the con-
 2 ference report shall be made);

3 (B) the question shall be debatable; and

4 (C) no further amendment shall be in
 5 order.

6 (c) SUPERMAJORITY WAIVER AND APPEAL.—This
 7 section may be waived or suspended in the Senate only
 8 by an affirmative vote of $\frac{3}{5}$ of the Members, duly chosen
 9 and sworn. An affirmative vote of $\frac{3}{5}$ of the Members of
 10 the Senate, duly chosen and sworn, shall be required in
 11 the Senate to sustain an appeal of the ruling of the Chair
 12 on a point of order raised under this section.

13 **SEC. 103. CONGRESSIONAL EARMARK REFORM.**

14 The Standing Rules of the Senate are amended by
 15 adding at the end the following:

16 **RULE XLIV**

17 **EARMARKS**

18 “1. It shall not be in order to consider—

19 “(a) a bill or joint resolution reported by a com-
 20 mittee unless the report includes a list, which shall
 21 be made available on the Internet in a searchable
 22 format to the general public for at least 48 hours be-
 23 fore consideration of the bill or joint resolution, of
 24 congressional earmarks, limited tax benefits, and
 25 limited tariff benefits in the bill or in the report

1 (and the name of any Member who submitted a re-
 2 quest to the committee for each respective item in-
 3 cluded in such list) or a statement that the propo-
 4 sition contains no congressional earmarks, limited
 5 tax benefits, or limited tariff benefits;

6 “(b) a bill or joint resolution not reported by a
 7 committee unless the chairman of each committee of
 8 jurisdiction has caused a list, which shall be made
 9 available on the Internet in a searchable format to
 10 the general public for at least 48 hours before con-
 11 sideration of the bill or joint resolution, of congres-
 12 sional earmarks, limited tax benefits, and limited
 13 tariff benefits in the bill (and the name of any Mem-
 14 ber who submitted a request to the committee for
 15 each respective item included in such list) or a state-
 16 ment that the proposition contains no congressional
 17 earmarks, limited tax benefits, or limited tariff bene-
 18 fits to be printed in the Congressional Record prior
 19 to its consideration; or

20 “(c) a conference report to accompany a bill or
 21 joint resolution unless the joint explanatory state-
 22 ment prepared by the managers on the part of the
 23 House and the managers on the part of the Senate
 24 includes a list, which shall be made available on the
 25 Internet in a searchable format to the general public

1 for at least 48 hours before consideration of the con-
 2 ference report, of congressional earmarks, limited
 3 tax benefits, and limited tariff benefits in the con-
 4 ference report or joint statement (and the name of
 5 any Member, Delegate, Resident Commissioner, or
 6 Senator who submitted a request to the House or
 7 Senate committees of jurisdiction for each respective
 8 item included in such list) or a statement that the
 9 proposition contains no congressional earmarks, lim-
 10 ited tax benefits, or limited tariff benefits.

11 “2. For the purpose of this rule—

12 “(a) the term ‘congressional earmark’ means a
 13 provision or report language included primarily at
 14 the request of a Member, Delegate, Resident Com-
 15 missioner, or Senator providing, authorizing or rec-
 16 ommending a specific amount of discretionary budg-
 17 et authority, credit authority, or other spending au-
 18 thority for a contract, loan, loan guarantee, grant,
 19 loan authority, or other expenditure with or to an
 20 entity, or targeted to a specific State, locality or
 21 Congressional district, other than through a statu-
 22 tory or administrative formula-driven or competitive
 23 award process;

24 “(b) the term ‘limited tax benefit’ means—

25 “(1) any revenue provision that—

1 “(A) provides a Federal tax deduc-
 2 tion, credit, exclusion, or preference to a
 3 particular beneficiary or limited group of
 4 beneficiaries under the Internal Revenue
 5 Code of 1986; and

6 “(B) contains eligibility criteria that
 7 are not uniform in application with respect
 8 to potential beneficiaries of such provision;
 9 or

10 “(2) any Federal tax provision which pro-
 11 vides one beneficiary temporary or permanent
 12 transition relief from a change to the Internal
 13 Revenue Code of 1986; and

14 “(c) the term ‘limited tariff benefit’ means a
 15 provision modifying the Harmonized Tariff Schedule
 16 of the United States in a manner that benefits 10
 17 or fewer entities.

18 “3. A Member may not condition the inclusion of lan-
 19 guage to provide funding for a congressional earmark, a
 20 limited tax benefit, or a limited tariff benefit in any bill
 21 or joint resolution (or an accompanying report) or in any
 22 conference report on a bill or joint resolution (including
 23 an accompanying joint explanatory statement of man-
 24 agers) on any vote cast by another Member, Delegate, or
 25 Resident Commissioner.

1 “4. (a) A Member who requests a congressional ear-
 2 mark, a limited tax benefit, or a limited tariff benefit in
 3 any bill or joint resolution (or an accompanying report)
 4 or in any conference report on a bill or joint resolution
 5 (or an accompanying joint statement of managers) shall
 6 provide a written statement to the chairman and ranking
 7 member of the committee of jurisdiction, including—

8 “(1) the name of the Member;

9 “(2) in the case of a congressional earmark, the
 10 name and address of the intended recipient or, if
 11 there is no specifically intended recipient, the in-
 12 tended location of the activity;

13 “(3) in the case of a limited tax or tariff ben-
 14 efit, identification of the individual or entities rea-
 15 sonably anticipated to benefit, to the extent known
 16 to the Member;

17 “(4) the purpose of such congressional earmark
 18 or limited tax or tariff benefit; and

19 “(5) a certification that the Member or spouse
 20 has no financial interest in such congressional ear-
 21 mark or limited tax or tariff benefit.

22 “(b) Each committee shall maintain the written state-
 23 ments transmitted under subparagraph (a). The written
 24 statements transmitted under subparagraph (a) for any
 25 congressional earmarks, limited tax benefits, or limited

1 tariff benefits included in any measure reported by the
 2 committee or conference report filed by the chairman of
 3 the committee or any subcommittee thereof shall be pub-
 4 lished in a searchable format on the committee's or sub-
 5 committee's website not later than 48 hours after receipt
 6 on such information.

7 “5. It shall not be in order to consider any bill, reso-
 8 lution, or conference report that contains an earmark in-
 9 cluded in any classified portion of a report accompanying
 10 the measure unless the bill, resolution, or conference re-
 11 port includes to the greatest extent practicable, consistent
 12 with the need to protect national security (including intel-
 13 ligence sources and methods), in unclassified language, a
 14 general program description, funding level, and the name
 15 of the sponsor of that earmark.”.

16 **SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON**
 17 **THE INTERNET.**

18 (a) IN GENERAL.—

19 (1) AMENDMENT.—Rule XXVIII of all the
 20 Standing Rules of the Senate is amended by adding
 21 at the end the following:

22 “7. (a) It shall not be in order to consider a con-
 23 ference report unless such report is available to all Mem-
 24 bers and made available to the general public by means

1 of the Internet for at least 48 hours before its consider-
2 ation.

3 “(b) This paragraph may be waived or suspended in
4 the Senate only by an affirmative vote of $\frac{3}{5}$ of the Mem-
5 bers, duly chosen and sworn. An affirmative vote of $\frac{3}{5}$
6 of the Members of the Senate, duly chosen and sworn,
7 shall be required in the Senate to sustain an appeal of
8 the ruling of the Chair on a point of order raised under
9 this paragraph.

10 “8. It shall not be in order to consider a conference
11 report unless the text of such report has not been changed
12 after the Senate signatures sheets have been signed by a
13 majority of the Senate conferees.”.

14 (2) EFFECTIVE DATE.—This subsection shall
15 take effect 60 days after the date of enactment of
16 this title.

17 (b) IMPLEMENTATION.—Not later than 60 days after
18 the date of enactment of this title, the Secretary of the
19 Senate, in consultation with the Clerk of the House of
20 Representatives, the Government Printing Office, and the
21 Committee on Rules and Administration, shall develop a
22 website capable of complying with the requirements of
23 paragraph 7 of rule XXVIII of the Standing Rules of the
24 Senate, as added by subsection (a).

1 **SEC. 105. SENSE OF THE SENATE ON CONFERENCE COM-**
 2 **MITTEE PROTOCOLS.**

3 It is the sense of Senate that—

4 (1) conference committees should hold regular,
 5 formal meetings of all conferees that are open to the
 6 public;

7 (2) all conferees should be given adequate no-
 8 tice of the time and place of all such meetings; and

9 (3) all conferees should be afforded an oppor-
 10 tunity to participate in full and complete debates of
 11 the matters that such conference committees may
 12 recommend to their respective Houses.

13 **SEC. 106. ELIMINATION OF FLOOR PRIVILEGES FOR**
 14 **FORMER MEMBERS, SENATE OFFICERS, AND**
 15 **SPEAKERS OF THE HOUSE WHO ARE LOBBY-**
 16 **ISTS OR SEEK FINANCIAL GAIN.**

17 Rule XXIII of the Standing Rules of the Senate is
 18 amended by—

19 (1) inserting “1.” before “Other”;

20 (2) inserting after “Ex-Senators and Senators-
 21 elect” the following: “, except as provided in para-
 22 graph 2”;

23 (3) inserting after “Ex-Secretaries and ex-Ser-
 24 geants at Arms of the Senate” the following: “, ex-
 25 cept as provided in paragraph 2”;

1 (4) inserting after “Ex-Speakers of the House
2 of Representatives” the following: “, except as pro-
3 vided in paragraph 2”; and

4 (5) adding at the end the following:

5 “2. (a) The floor privilege provided in paragraph 1
6 shall not apply, when the Senate is in session, to an indi-
7 vidual covered by this paragraph who is—

8 “(1) a registered lobbyist or agent of a foreign
9 principal; or

10 “(2) is in the employ of or represents any party
11 or organization for the purpose of influencing, di-
12 rectly or indirectly, the passage, defeat, or amend-
13 ment of any legislative proposal.

14 “(b) The Committee on Rules and Administration
15 may promulgate regulations to allow individuals covered
16 by this paragraph floor privileges for ceremonial functions
17 and events designated by the Majority Leader and the Mi-
18 nority Leader.

19 “3. A former Member of the Senate may not exercise
20 privileges to use Senate or House gym or exercise facilities
21 or member-only parking spaces if such Member is—

22 “(1) a registered lobbyist or agent of a foreign
23 principal; or

24 “(2) in the employ of or represents any party
25 or organization for the purpose of influencing, di-

1 rectly or indirectly, the passage, defeat, or amend-
 2 ment of any legislative proposal.”.

3 **SEC. 107. PROPER VALUATION OF TICKETS TO ENTERTAIN-**
 4 **MENT AND SPORTING EVENTS.**

5 Paragraph 1(c)(1) of rule XXXV of the Standing
 6 Rules of the Senate is amended by adding at the end the
 7 following: “The market value of a ticket to an entertain-
 8 ment or sporting event shall be the face value of the ticket
 9 or, in the case of a ticket without a face value, the value
 10 of the most similar ticket sold by the issuer to the public.
 11 A determination of similarity shall consider all features
 12 of the ticket, including access to parking, availability of
 13 food and refreshments, and access to venue areas not open
 14 to the public. A ticket with no face value and for which
 15 no similar ticket is sold by the issuer to the public, shall
 16 be valued at the cost of a ticket with the highest face value
 17 for the event.”.

18 **SEC. 108. BAN ON GIFTS FROM LOBBYISTS AND ENTITIES**
 19 **THAT HIRE LOBBYISTS.**

20 Paragraph 1(a)(2) of rule XXXV of the Standing
 21 Rules of the Senate is amended by—

22 (1) inserting “(A)” after “(2)”; and

23 (2) adding at the end the following:

24 “(B) A Member, officer, or employee may not know-
 25 ingly accept a gift from a registered lobbyist, an agent

1 of a foreign principal, or a private entity that retains or
 2 employs a registered lobbyist or an agent of a foreign prin-
 3 cipal, except as provided in subparagraph (c).”.

4 **SEC. 108A. NATIONAL PARTY CONVENTIONS.**

5 Paragraph (1)(d) of rule XXXV of the Standing
 6 Rules of the Senate is amended by adding at the end the
 7 following:

8 “5. A Member may not participate in an event hon-
 9 oring that Member at a national party convention if such
 10 event is paid for by any person or entity required to reg-
 11 ister pursuant to section 4(a) of the Lobbying Disclosure
 12 Act of 1995, or any individual or entity identified as a
 13 lobbyist or a client in any current registration or report
 14 filed under such Act.”.

15 **SEC. 109. RESTRICTIONS ON LOBBYIST PARTICIPATION IN**
 16 **TRAVEL AND DISCLOSURE.**

17 (a) PROHIBITION.—Paragraph 2 of rule XXXV is
 18 amended—

19 (1) in subparagraph (a)(1), by—

20 (A) adding after “foreign principal” the
 21 following: “or a private entity that retains or
 22 employs 1 or more registered lobbyists or
 23 agents of a foreign principal”;

1 (B) striking the dash and inserting “com-
2 plies with the requirements of this paragraph.”;
3 and

4 (C) striking clauses (A) and (B);

5 (2) by redesignating subparagraph (a)(2) as
6 subparagraph (a)(3) and adding after subparagraph
7 (a)(1) the following:

8 “(2) Notwithstanding clause (1), a reimbursement
9 (including payment in kind) to a Member, officer, or em-
10 ployee of the Senate from an individual other than a reg-
11 istered lobbyist or agent of a foreign principal that is a
12 private entity that retains or employs one or more reg-
13 istered lobbyists or agents of a foreign principal for nec-
14 essary transportation, lodging, and related expenses for
15 travel to a meeting, speaking engagement, factfinding trip
16 or similar event in connection with the duties of the Mem-
17 ber, officer, or employee shall be deemed to be a reim-
18 bursement to the Senate under clause (1) if it is, under
19 regulations prescribed by the Select Committee on Ethics
20 to implement this clause, provided only for attendance at
21 or participation for 1-day at an event (exclusive of travel
22 time and an overnight stay) described in clause (1) or
23 sponsored by a 501(c)(3) organization that has been pre-
24 approved by the Select Committee on Ethics. When decid-
25 ing whether to pre-approve a 501(c)(3) organization, the

1 Select Committee on Ethics shall consider the stated mis-
 2 sion of the organization, the organization’s prior history
 3 of sponsoring congressional trips, other educational activi-
 4 ties performed by the organization besides sponsoring con-
 5 gressional trips, whether any trips previously sponsored by
 6 the organization led to an investigation by the Select Com-
 7 mittee on Ethics and any other factor deemed relevant by
 8 the Select Committee on Ethics. Regulations to implement
 9 this clause, and the committee on a case-by-case basis,
 10 may permit a 2-night stay when determined by the com-
 11 mittee to be practically required to participate in the
 12 event.”;

13 (3) in subparagraph (a)(3), as redesignated, by
 14 striking “clause (1)” and inserting “clauses (1) and
 15 (2)”;

16 (4) in subparagraph (b), by inserting before
 17 “Each” the following: “Before an employee may ac-
 18 cept reimbursement pursuant to subparagraph (a),
 19 the employee shall receive advance authorization
 20 from the Member or officer under whose direct su-
 21 pervision the employee works to accept reimburse-
 22 ment.”;

23 (5) in subparagraph (c)—

24 (A) by inserting before “Each” the fol-
 25 lowing: “Each Member, officer, or employee

1 that receives reimbursement under this para-
 2 graph shall disclose the expenses reimbursed or
 3 to be reimbursed and authorization (for an em-
 4 ployee) to the Secretary of the Senate not later
 5 than 30 days after the travel is completed.”;

6 (B) by striking “subparagraph (a)(1)” and
 7 inserting “this subparagraph”;

8 (C) in clause (5), by striking “and” after
 9 the semicolon;

10 (D) by redesignating clause (6) as clause
 11 (7); and

12 (E) by inserting after clause (5) the fol-
 13 lowing:

14 “(6) a description of meetings and events at-
 15 tended; and”;

16 (6) by redesignating subparagraphs (d) and (e)
 17 as subparagraphs (f) and (g), respectively;

18 (7) by adding after subparagraph (c) the fol-
 19 lowing:

20 “(d) A Member, officer, or employee of the Senate
 21 may not accept a reimbursement (including payment in
 22 kind) for transportation, lodging, or related expenses
 23 under subparagraph (a) for a trip that was planned, orga-
 24 nized, or arranged by or at the request of a registered
 25 lobbyist or agent of a foreign principal, or on which a lob-

1 byist accompanies the Member, officer, or employee on any
 2 segment of the trip. The Select Committee on Ethics shall
 3 issue regulations identifying de minimis activities by lob-
 4 byists or foreign agents that would not violate this sub-
 5 paragraph.

6 “(e) A Member, officer, or employee shall, before ac-
 7 cepting travel otherwise permissible under this paragraph
 8 from any person—

9 “(1) provide to the Select Committee on Ethics
 10 a written certification from such person that—

11 “(A) the trip will not be financed in any
 12 part by a registered lobbyist or agent of a for-
 13 eign principal;

14 “(B) the source either—

15 “(i) does not retain or employ reg-
 16 istered lobbyists or agents of a foreign
 17 principal and is not itself a registered lob-
 18 byist or agent of a foreign principal; or

19 “(ii) certifies that the trip meets the
 20 requirements specified in rules prescribed
 21 by the Select Committee on Ethics to im-
 22 plement subparagraph (a)(2);

23 “(C) the source will not accept from any
 24 source funds earmarked directly or indirectly

1 for the purpose of financing the specific trip;
2 and

3 “(D) the trip will not in any part be
4 planned, organized, requested, or arranged by a
5 registered lobbyist or agent of a foreign prin-
6 cipal and that the traveler will not be accom-
7 panied on any segment of the trip by a reg-
8 istered lobbyist or agent of a foreign principal,
9 except as permitted by regulations issued under
10 subparagraph (d), and specifically details the
11 extent of any involvement of a registered lob-
12 byist or agent of a foreign principal; and

13 “(2) after the Select Committee on Ethics has
14 promulgated regulations mandated in subparagraph
15 (h), obtain the prior approval of the committee for
16 such reimbursement.”;

17 (8) by striking subparagraph (g), as redesign-
18 ated, and inserting the following:

19 “(g) The Secretary of the Senate shall make all ad-
20 vance authorizations, certifications, and disclosures filed
21 pursuant to this paragraph available for public inspection
22 as soon as possible after they are received.”; and

23 (9) by adding at the end the following:

24 “(h)(1) Not later than 45 days after the date of adop-
25 tion of this subparagraph and at annual intervals there-

1 after, the Select Committee on Ethics shall develop and
2 revise, as necessary—

3 “(A) guidelines on judging the reasonableness
4 of an expense or expenditure for purposes of this
5 clause, including the factors that tend to establish—

6 “(i) a connection between a trip and offi-
7 cial duties;

8 “(ii) the reasonableness of an amount
9 spent by a sponsor;

10 “(iii) a relationship between an event and
11 an officially connected purpose; and

12 “(iv) a direct and immediate relationship
13 between a source of funding and an event; and

14 “(B) regulations describing the information it
15 will require individuals subject to this clause to sub-
16 mit to the committee in order to obtain the prior ap-
17 proval of the committee for any travel covered by
18 this clause, including any required certifications.

19 “(2) In developing and revising guidelines under
20 clause (1)(A), the committee shall take into account the
21 maximum per diem rates for official Government travel
22 published annually by the General Services Administra-
23 tion, the Department of State, and the Department of De-
24 fense.

1 “(3) For purposes of this subparagraph, travel on an
 2 aircraft operated or paid for by a carrier not licenced by
 3 the Federal Aviation Administration to operate for com-
 4 pensation shall not be considered a reasonable expense.

5 “(i) A Member, officer, or employee who travels on
 6 an aircraft operated or paid for by a carrier not licenced
 7 by the Federal Aviation Administration shall file a report
 8 with the Secretary of the Senate not later than 60 days
 9 after the date on which such flight is taken. The report
 10 shall include—

11 “(1) the date of such flight;

12 “(2) the destination of such flight;

13 “(3) the owner or lessee of the aircraft;

14 “(4) the purpose of such travel;

15 “(5) the persons on such flight (except for any
 16 person flying the aircraft); and

17 “(6) the charter rate paid for such flight.”.

18 (b) REIMBURSEMENT FOR NONCOMMERCIAL AIR
 19 TRAVEL.—

20 (1) CHARTER RATES.—Paragraph 1(c)(1) of
 21 rule XXXV of the Standing Rules of the Senate is
 22 amended by adding at the end the following: “Fair
 23 market value for a flight on an aircraft operated or
 24 paid for by a carrier not licensed by the Federal
 25 Aviation Administration to operate for compensation

1 or hire, excluding an aircraft owned or leased by a
 2 governmental entity or by a Member of Congress or
 3 a Member's spouse (including an aircraft owned by
 4 an entity that is not a public corporation in which
 5 the Member or Member's spouse has an ownership
 6 interest, provided that the Member does not use the
 7 aircraft anymore than the Member's or spouse's pro-
 8 portionate share of ownership allows), shall be the
 9 pro rata share of the fair market value of the nor-
 10 mal and usual charter fare or rental charge for a
 11 comparable plane of comparable size (as determined
 12 by dividing such cost by the number of members, of-
 13 ficers, or employees of the Congress on the flight).”.

14 (2) UNOFFICIAL OFFICE ACCOUNTS.—Para-
 15 graph 1 of rule XXXVIII of the Standing Rules of
 16 the Senate is amended by adding at the end the fol-
 17 lowing:

18 “(c) For purposes of reimbursement under this rule,
 19 fair market value of a flight on an aircraft operated or
 20 paid for by a carrier not licensed by the Federal Aviation
 21 Administration to operate for compensation or hire, shall
 22 be the pro rata share of the fair market value of the nor-
 23 mal and usual charter fare or rental charge for a com-
 24 parable plane of comparable size (as determined by divid-

1 ing such cost by the number of members, officers, or em-
 2 ployees of the Congress on the flight).”.

3 (3) CANDIDATES.—Subparagraph (B) of sec-
 4 tion 301(8) of the Federal Election Campaign Act of
 5 1971 (42 U.S.C. 431(8)(B)) is amended by—

6 (A) in clause (xiii), striking “and” at the
 7 end;

8 (B) in clause (xiv), striking the period and
 9 inserting “; and”; and

10 (C) by adding at the end the following :

11 “(xv) any travel expense for a flight on an
 12 aircraft that is operated or paid for by a carrier
 13 not licensed by the Federal Aviation Adminis-
 14 tration to operate for compensation or hire, but
 15 only if the candidate, the candidate’s authorized
 16 committee, or other political committee pays—

17 “(I) to the owner, lessee, or other per-
 18 son who provides the airplane the pro rata
 19 share of the fair market value of such
 20 flight (as determined by dividing the fair
 21 market value of the normal and usual
 22 charter fare or rental charge for a com-
 23 parable plane of appropriate size by the
 24 number of candidates on the flight) by not

1 later than 7 days after the date on which
 2 the flight is taken; and

3 “(II) files a report with the Secretary
 4 of the Senate not later than 60 days after
 5 the date on which such flight is taken,
 6 such report shall include—

7 “(aa) the date of such flight;

8 “(bb) the destination of such
 9 flight;

10 “(cc) the owner or lessee of the
 11 aircraft;

12 “(dd) the purpose of such travel;

13 “(ee) the persons on such flight
 14 (except for any person flying the air-
 15 craft); and

16 “(ff) the charter rate paid for
 17 such flight.”.

18 (4) RULES COMMITTEE REVIEW OF TRAVEL AL-
 19 LOWANCES.—Not later than 90 days after the enact-
 20 ment of this Act, the Senate Committee on Appro-
 21 priations, Subcommittee on the Legislative Branch,
 22 in consultation with the Committee on Rules and
 23 Administration of the Senate, shall consider and
 24 propose, as necessary in the discretion of the sub-
 25 committee, any adjustment to the Senator’s Official

1 Personnel and Office Expense Account needed in
 2 light of the revised standards for reimbursement for
 3 private air travel required by this subsection, and
 4 any modifications of Federal statutes or appropria-
 5 tions measures needed to accomplish such adjust-
 6 ments.

7 (c) EFFECTIVE DATE.—The amendments made by
 8 this section shall take effect 60 days after the date of en-
 9 actment of this Act.

10 **SEC. 110. RESTRICTIONS ON FORMER OFFICERS, EMPLOY-**
 11 **EES, AND ELECTED OFFICIALS OF THE EXEC-**
 12 **UTIVE AND LEGISLATIVE BRANCH.**

13 (a) IN GENERAL.—Section 207(j)(1) of title 18,
 14 United States Code, is amended, by—

15 (1) striking “The restrictions” and inserting
 16 the following:

17 “(A) IN GENERAL.—The restrictions”; and

18 (2) adding at the end the following:

19 “(B) INDIAN TRIBES.—The restrictions
 20 contained in this section shall not apply to acts
 21 done pursuant to section 104 of the Indian
 22 Self-Determination and Education Assistance
 23 Act (25 U.S.C. 450i).”.

24 (b) CONFORMING AMENDMENT.—Section 104(j) of
 25 the Indian Self-Determination and Education Assistance

1 Act (25 U.S.C. 450i(j)) is amended by striking “and
 2 former officers and employees of the United States em-
 3 ployed by Indian tribes may act as agents or attorneys
 4 for or” and inserting “or former officers and employees
 5 of the United States who are carrying out official duties
 6 as employees or as elected or appointed officials of an In-
 7 dian tribe may communicate with and”.

8 **SEC. 111. POST EMPLOYMENT RESTRICTIONS.**

9 (a) IN GENERAL.—Paragraph 9 of rule XXXVII of
 10 the Standing Rules of the Senate is amended by—

11 (1) designating the first sentence as subpara-
 12 graph (a);

13 (2) designating the second sentence as subpara-
 14 graph (b); and

15 (3) adding at the end the following:

16 “(c) If an employee on the staff of a Member or on
 17 the staff of a committee whose rate of pay is equal to or
 18 greater than 75 percent of the rate of pay of a Member
 19 and employed at such rate for more than 60 days in a
 20 calendar year, upon leaving that position, becomes a reg-
 21 istered lobbyist under the Lobbying Disclosure Act of
 22 1995, or is employed or retained by such a registered lob-
 23 byist for the purpose of influencing legislation, such em-
 24 ployee may not lobby any Member, officer, or employee

1 of the Senate for a period of 1 year after leaving that
2 position.”.

3 (b) EFFECTIVE DATE.—This section shall take effect
4 60 days after the date of enactment of this title.

5 **SEC. 112. DISCLOSURE BY MEMBERS OF CONGRESS AND**
6 **STAFF OF EMPLOYMENT NEGOTIATIONS.**

7 Rule XXXVII of the Standing Rules of the Senate
8 is amended by adding at the end the following:

9 “14. (a) A Member shall not directly negotiate or
10 have any arrangement concerning prospective private em-
11 ployment until after his or her successor has been elected,
12 unless such Member files a statement with the Secretary
13 of the Senate, for public disclosure, regarding such nego-
14 tiations or arrangements within 3 business days after the
15 commencement of such negotiation or arrangement, in-
16 cluding the name of the private entity or entities involved
17 in such negotiations or arrangements, the date such nego-
18 tiations or arrangements commenced, and must be signed
19 by the Member.

20 “(b) A Member shall not directly negotiate or have
21 any arrangement concerning prospective employment until
22 after his or her successor has been elected for a job involv-
23 ing lobbying activities as defined by the Lobbying Dislo-
24 sure Act of 1995.

1 “(c) (1) An employee of the Senate earning in excess
 2 of 75 percent of the salary paid to a Senator shall notify
 3 the Committee on Ethics that he or she is negotiating or
 4 has any arrangement concerning prospective private em-
 5 ployment.

6 “(2) The disclosure and notification under this sub-
 7 paragraph shall be made within 3 business days after the
 8 commencement of such negotiation or arrangement.

9 “(3) An employee to whom this subparagraph applies
 10 shall recuse himself or herself from any matter in which
 11 there is a conflict of interest or an appearance of a conflict
 12 for that employee under this rule and notify the Select
 13 Committee on Ethics of such recusal.”.

14 **SEC. 113. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR**
 15 **IMMEDIATE FAMILY MEMBER OF MEMBER**
 16 **WHO IS A REGISTERED LOBBYIST.**

17 Rule XXXVII of the Standing Rules of the Senate
 18 is amended by—

19 (1) redesignating paragraphs 10 through 12 as
 20 paragraphs 11 through 13, respectively; and

21 (2) inserting after paragraph 9, the following:

22 “10. (a) If a Member’s spouse or immediate family
 23 member is a registered lobbyist under the Lobbying Dis-
 24 closure Act of 1995, or is employed or retained by such
 25 a registered lobbyist for the purpose of influencing legisla-

tion, the Member shall prohibit all staff employed by that Member (including staff in personal, committee, and leadership offices) from having any official contact with the Member's spouse or immediate family member.

“(b) Members and employees on the staff of a Member (including staff in personal, committee, and leadership offices) shall be prohibited from having any official contact with any spouse of a Member who is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist.

“(c) The prohibition in subparagraph (a) shall not apply to the spouse of a Member who was serving as a registered lobbyist at least 1 year prior to the election of that Member to office or at least 1 year prior to their marriage to that Member.

“(d) In this paragraph, the term ‘immediate family member’ means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.”.

SEC. 114. INFLUENCING HIRING DECISIONS.

Rule XLIII of the Standing Rules of the Senate is amended by adding at the end the following:

1 “6. No Member shall, with the intent to influence on
 2 the basis of partisan political affiliation an employment
 3 decision or employment practice of any private entity—

4 “(1) take or withhold, or offer or threaten to
 5 take or withhold, an official act; or

6 “(2) influence, or offer or threaten to influence
 7 the official act of another.”.

8 **SEC. 115. SENSE OF THE SENATE THAT ANY APPLICABLE**
 9 **RESTRICTIONS ON CONGRESSIONAL BRANCH**
 10 **EMPLOYEES SHOULD APPLY TO THE EXECU-**
 11 **TIVE AND JUDICIAL BRANCHES.**

12 It is the sense of the Senate that any applicable re-
 13 strictions on Congressional branch employees in this title
 14 should apply to the Executive and Judicial branches.

15 **SEC. 116. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO**
 16 **CERTAIN MEMBERS OF CONGRESS.**

17 (a) IN GENERAL.—Any adjustment under section
 18 601(a) of the Legislative Reorganization Act of 1946 (2
 19 U.S.C. 31) (relating to the cost-of-living adjustments for
 20 Members of Congress) shall not be paid to any Member
 21 of Congress who voted for any amendment (or against the
 22 tabling of any amendment) that provided that such adjust-
 23 ment would not be made.

24 (b) DEPOSIT IN TREASURY.—Any amount not paid
 25 to a Member of Congress under subsection (a) shall be

1 transmitted to the Treasury for deposit in the appropria-
 2 tions account under the subheading “**MEDICAL SERV-**
 3 **ICES**” under the heading “**VETERANS HEALTH ADMIN-**
 4 **ISTRATION**”.

5 (c) ADMINISTRATION.—The salary of any Member of
 6 Congress to whom subsection (a) applies shall be deemed
 7 to be the salary in effect after the application of that sub-
 8 section, except that for purposes of determining any ben-
 9 efit (including any retirement or insurance benefit), the
 10 salary of that Member of Congress shall be deemed to be
 11 the salary that Member of Congress would have received,
 12 but for that subsection.

13 (d) EFFECTIVE DATE.—This section shall take effect
 14 on the first day of the first applicable pay period beginning
 15 on or after February 1, 2008.

16 **SEC. 117. REQUIREMENT OF NOTICE OF INTENT TO PRO-**
 17 **CEED.**

18 (a) IN GENERAL.—The majority and minority leaders
 19 of the Senate or their designees shall recognize a notice
 20 of intent of a Senator who is a member of their caucus
 21 to object to proceeding to a measure or matter only if the
 22 Senator—

23 (1) submits the notice of intent in writing to
 24 the appropriate leader or their designee; and

1 (2) within 3 session days after the submission
 2 under paragraph (1), submits for inclusion in the
 3 Congressional Record and in the applicable calendar
 4 section described in subsection (b) the following no-
 5 tice:

6 “I, Senator ____, intend to object to proceeding to
 7 ____, dated ____.”.

8 (b) CALENDAR.—The Secretary of the Senate shall
 9 establish, for both the Senate Calendar of Business and
 10 the Senate Executive Calendar, a separate section entitled
 11 “Notices of Intent to Object to Proceeding”. Each section
 12 shall include the name of each Senator filing a notice
 13 under subsection (a)(2), the measure or matter covered
 14 by the calendar that the Senator objects to, and the date
 15 the objection was filed.

16 (c) REMOVAL.—A Senator may have an item with re-
 17 spect to the Senator removed from a calendar to which
 18 it was added under subsection (b) by submitting for inclu-
 19 sion in the Congressional Record the following notice:

20 “I, Senator ____, do not object to proceeding to
 21 ____, dated ____.”.

22 **SEC. 118. CBO SCORING REQUIREMENT.**

23 (a) IN GENERAL.—It shall not be in order in the Sen-
 24 ate to consider a report of a committee of conference un-
 25 less an official written cost estimate or table by the Con-

gressional Budget Office is available at the time of consideration.

(b) SUPERMAJORITY REQUIREMENT.—This section may be waived or suspended in the Senate only by an affirmative vote of $\frac{3}{5}$ of the Members, duly chosen and sworn. An affirmative vote of $\frac{3}{5}$ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 119. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

SEC. 201. SHORT TITLE.

This title may be cited as the “Legislative Transparency and Accountability Act of 2007”.

Subtitle A—Enhancing Lobbying Disclosure

SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) QUARTERLY FILING REQUIRED.—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the “Act”) (2 U.S.C. 1604) is amended—

1 (1) in subsection (a)—

2 (A) in the subsection heading, by striking
3 “Semiannual” and inserting “Quarterly”; and

4 (B) by striking the first sentence and in-
5 serting the following: “Not later than 20 days
6 after the end of the quarterly period beginning
7 on the 1st day of January, April, July, and Oc-
8 tober of each year, or on the first business day
9 after the 20th day if that day is not a business
10 day, in which a registrant is registered with the
11 Secretary of the Senate and the Clerk of the
12 House of Representatives, a registrant shall file
13 a report or reports, as applicable, on its lob-
14 bying activities during such quarterly period.”;
15 and

16 (2) in subsection (b)—

17 (A) in the matter preceding paragraph (1),
18 by striking “semiannual report” and inserting
19 “quarterly report”;

20 (B) in paragraph (2), by striking “semi-
21 annual filing period” and inserting “quarterly
22 period”;

23 (C) in paragraph (3), by striking “semi-
24 annual period” and inserting “quarterly pe-
25 riod”; and

1 (D) in paragraph (4), by striking “semi-
 2 annual filing period” and inserting “quarterly
 3 period”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) DEFINITION.—Section 3(10) of the Act (2
 6 U.S.C. 1602) is amended by striking “six month pe-
 7 riod” and inserting “three-month period”.

8 (2) REGISTRATION.—Section 4 of the Act (2
 9 U.S.C. 1603) is amended—

10 (A) in subsection (a)(3)(A), by striking
 11 “semiannual period” and inserting “quarterly
 12 period”; and

13 (B) in subsection (b)(3)(A), by striking
 14 “semiannual period” and inserting “quarterly
 15 period”.

16 (3) ENFORCEMENT.—Section 6(a)(6) of the Act
 17 (2 U.S.C. 1605(6)) is amended by striking “semi-
 18 annual period” and inserting “quarterly period”.

19 (4) ESTIMATES.—Section 15 of the Act (2
 20 U.S.C. 1610) is amended—

21 (A) in subsection (a)(1), by striking “semi-
 22 annual period” and inserting “quarterly pe-
 23 riod”; and

(B) in subsection (b)(1), by striking “semi-annual period” and inserting “quarterly period”.

(5) DOLLAR AMOUNTS.—

(A) REGISTRATION.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking “\$5,000” and inserting “\$2,500”;

(ii) in subsection (a)(3)(A)(ii), by striking “\$20,000” and inserting “\$10,000”;

(iii) in subsection (b)(3)(A), by striking “\$10,000” and inserting “\$5,000”; and

(iv) in subsection (b)(4), by striking “\$10,000” and inserting “\$5,000”.

(B) REPORTS.—Section 5 of the Act (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking “\$10,000” and “\$20,000” and inserting “\$5,000” and “\$10,000”, respectively; and

(ii) in subsection (c)(2), by striking “\$10,000” both places such term appears and inserting “\$5,000”.

1 **SEC. 212. QUARTERLY REPORTS ON OTHER CONTRIBU-**
2 **TIONS.**

3 Section 5 of the Act (2 U.S.C. 1604) is amended by
4 adding at the end the following:

5 “(d) **QUARTERLY REPORTS ON OTHER CONTRIBU-**
6 **TIONS.**—

7 “(1) **IN GENERAL.**—Not later than 45 days
8 after the end of the quarterly period beginning on
9 the 20th day of January, April, July, and October
10 of each year, or on the first business day after the
11 20th if that day is not a business day, each reg-
12 istrant under paragraphs (1) or (2) of section 4(a),
13 and each employee who is listed as a lobbyist on a
14 current registration or report filed under this Act,
15 shall file a report with the Secretary of the Senate
16 and the Clerk of the House of Representatives
17 containing—

18 “(A) the name of the registrant or lob-
19 byist;

20 “(B) the employer of the lobbyist or the
21 names of all political committees established or
22 administered by the registrant;

23 “(C) the name of each Federal candidate
24 or officeholder, leadership PAC, or political
25 party committee, to whom aggregate contribu-
26 tions equal to or exceeding \$200 were made by

1 the lobbyist, the registrant, or a political com-
2 mittee established or administered by the reg-
3 istrant within the calendar year, and the date
4 and amount of each contribution made within
5 the quarter;

6 “(D) the name of each Federal candidate
7 or officeholder, leadership PAC, or political
8 party committee for whom a fundraising event
9 was hosted, co-hosted, or sponsored by the lob-
10 byist, the registrant, or a political committee es-
11 tablished or administered by the registrant
12 within the quarter, and the date, location, and
13 total amount (or good faith estimate thereof)
14 raised at such event;

15 “(E) the name of each Federal candidate
16 or officeholder, leadership PAC, or political
17 party committee for whom aggregate contribu-
18 tions equal to or exceeding \$200 were collected
19 or arranged within the calendar year, and to
20 the extent known the aggregate amount of such
21 contributions (or a good faith estimate thereof)
22 within the quarter for each recipient;

23 “(F) the name of each covered legislative
24 branch official or covered executive branch offi-
25 cial for whom the lobbyist, the registrant, or a

1 political committee established or administered
2 by the registrant provided, or directed or
3 caused to be provided, any payment or reim-
4 bursements for travel and related expenses in
5 connection with the duties of such covered offi-
6 cial, including for each such official—

7 “(i) an itemization of the payments or
8 reimbursements provided to finance the
9 travel and related expenses, and to whom
10 the payments or reimbursements were
11 made with the express or implied under-
12 standing or agreement that such funds will
13 be used for travel and related expenses;

14 “(ii) the purpose and final itinerary of
15 the trip, including a description of all
16 meetings, tours, events, and outings at-
17 tended;

18 “(iii) whether the registrant or lob-
19 byist traveled on any such travel;

20 “(iv) the identity of the listed sponsor
21 or sponsors of such travel; and

22 “(v) the identity of any person or en-
23 tity, other than the listed sponsor or spon-
24 sors of the travel, who directly or indirectly
25 provided for payment of travel and related

1 expenses at the request or suggestion of
2 the lobbyist, the registrant, or a political
3 committee established or administered by
4 the registrant;

5 “(G) the date, recipient, and amount of
6 funds contributed, disbursed, or arranged (or a
7 good faith estimate thereof) by the lobbyist, the
8 registrant, or a political committee established
9 or administered by the registrant—

10 “(i) to pay the cost of an event to
11 honor or recognize a covered legislative
12 branch official or covered executive branch
13 official;

14 “(ii) to, or on behalf of, an entity that
15 is named for a covered legislative branch
16 official, or to a person or entity in recogni-
17 tion of such official;

18 “(iii) to an entity established, fi-
19 nanced, maintained, or controlled by a cov-
20 ered legislative branch official or covered
21 executive branch official, or an entity des-
22 ignated by such official; or

23 “(iv) to pay the costs of a meeting, re-
24 treat, conference, or other similar event
25 held by, or for the benefit of, 1 or more

1 covered legislative branch officials or cov-
 2 ered executive branch officials;

3 “(H) the date, recipient, and amount of
 4 any gift (that under the standing rules of the
 5 House of Representatives or Senate counts to-
 6 wards the \$100 cumulative annual limit de-
 7 scribed in such rules) valued in excess of \$20
 8 given by the lobbyist, the registrant, or a polit-
 9 ical committee established or administered by
 10 the registrant to a covered legislative branch of-
 11 ficial or covered executive branch official; and

12 “(I) the name of each Presidential library
 13 foundation and Presidential inaugural com-
 14 mittee, to whom contributions equal to or ex-
 15 ceeding \$200 were made by the lobbyist, the
 16 registrant, or a political committee established
 17 or administered by the registrant within the cal-
 18 endar year, and the date and amount of each
 19 such contribution within the quarter.

20 “(2) RULES OF CONSTRUCTION.—

21 “(A) IN GENERAL.—For purposes of this
 22 subsection, contributions, donations, or other
 23 funds—

24 “(i) are ‘collected’ by a lobbyist where
 25 funds donated by a person other than the

1 lobbyist are received by the lobbyist for, or
 2 forwarded by the lobbyist to, a Federal
 3 candidate or other recipient; and

4 “(ii) are ‘arranged’ by a lobbyist—

5 “(I) where there is a formal or
 6 informal agreement, understanding, or
 7 arrangement between the lobbyist and
 8 a Federal candidate or other recipient
 9 that such contributions, donations, or
 10 other funds will be or have been cred-
 11 ited or attributed by the Federal can-
 12 didate or other recipient in records,
 13 designations, or formal or informal
 14 recognitions as having been raised, so-
 15 licited, or directed by the lobbyist; or

16 “(II) where the lobbyist has ac-
 17 tual knowledge that the Federal can-
 18 didate or other recipient is aware that
 19 the contributions, donations, or other
 20 funds were solicited, arranged, or di-
 21 rected by the lobbyist.

22 “(B) CLARIFICATIONS.—For the purposes
 23 of this paragraph—

24 “(i) the term ‘lobbyist’ shall include a
 25 lobbyist, registrant, or political committee

1 established or administered by the reg-
 2 istrant; and

3 “(ii) the term ‘Federal candidate or
 4 other recipient’ shall include a Federal
 5 candidate, Federal officeholder, leadership
 6 PAC, or political party committee.

7 “(3) DEFINITIONS.—In this subsection, the fol-
 8 lowing definitions shall apply:

9 “(A) GIFT.—The term ‘gift’—

10 “(i) means a gratuity, favor, discount,
 11 entertainment, hospitality, loan, forbear-
 12 ance, or other item having monetary value;
 13 and

14 “(ii) includes, whether provided in
 15 kind, by purchase of a ticket, payment in
 16 advance, or reimbursement after the ex-
 17 pense has been incurred—

18 “(I) gifts of services;

19 “(II) training;

20 “(III) transportation; and

21 “(IV) lodging and meals.

22 “(B) LEADERSHIP PAC.—The term ‘lead-
 23 ership PAC’ means with respect to an indi-
 24 vidual holding Federal office, an unauthorized
 25 political committee which is associated with an

1 individual holding Federal office, except that
 2 such term shall not apply in the case of a polit-
 3 ical committee of a political party.”.

4 **SEC. 213. ADDITIONAL DISCLOSURE.**

5 Section 5(b) of the Act (2 U.S.C. 1604(b)) is
 6 amended—

7 (1) in paragraph (3), by striking “and” after
 8 the semicolon;

9 (2) in paragraph (4), by striking the period and
 10 inserting a semicolon; and

11 (3) by adding at the end of the following:

12 “(5) for each client, immediately after listing
 13 the client, an identification of whether the client is
 14 a public entity, including a State or local govern-
 15 ment or a department, agency, special purpose dis-
 16 trict, or other instrumentality controlled by a State
 17 or local government, or a private entity.”.

18 **SEC. 214. PUBLIC DATABASE OF LOBBYING DISCLOSURE IN-**
 19 **FORMATION.**

20 (a) DATABASE REQUIRED.—Section 6 of the Act (2
 21 U.S.C. 1605) is amended—

22 (1) in paragraph (7), by striking “and” at the
 23 end;

24 (2) in paragraph (8), by striking the period and
 25 inserting “; and”; and

1 (3) by adding at the end the following:

2 “(9) maintain, and make available to the public
3 over the Internet, without a fee or other access
4 charge, in a searchable, sortable, and downloadable
5 manner, an electronic database that—

6 “(A) includes the information contained in
7 registrations and reports filed under this Act;

8 “(B) directly links the information it con-
9 tains to the information disclosed in reports
10 filed with the Federal Election Commission
11 under section 304 of the Federal Election Cam-
12 paign Act of 1971 (2 U.S.C. 434); and

13 “(C) is searchable and sortable, at a min-
14 imum, by each of the categories of information
15 described in section 4(b) or 5(b).”.

16 (b) AVAILABILITY OF REPORTS.—Section 6(a)(4) of
17 the Act is amended by inserting before the semicolon the
18 following: “and, in the case of a report filed in electronic
19 form under section 5(e), shall make such report available
20 for public inspection over the Internet not more than 48
21 hours after the report is filed”.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated such sums as may be
24 necessary to carry out paragraph (9) of section 6(a) of
25 the Act, as added by subsection (a).

1 **SEC. 215. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL**
 2 **PAST EXECUTIVE AND CONGRESSIONAL EM-**
 3 **PLOYMENT.**

4 Section 4(b)(6) of the Act (2 U.S.C. 1603) is amend-
 5 ed by striking “or a covered legislative branch official”
 6 and all that follows through “as a lobbyist on behalf of
 7 the client,” and inserting “or a covered legislative branch
 8 official,”.

9 **SEC. 216. INCREASED PENALTY FOR FAILURE TO COMPLY**
 10 **WITH LOBBYING DISCLOSURE REQUIRE-**
 11 **MENTS.**

12 Section 7 of the Act (2 U.S.C. 1606) is amended by
 13 striking “\$50,000” and inserting “\$200,000”.

14 **SEC. 217. DISCLOSURE OF LOBBYING ACTIVITIES BY CER-**
 15 **TAIN COALITIONS AND ASSOCIATIONS.**

16 (a) IN GENERAL.—Section 4(b)(3)(B) of the Act (2
 17 U.S.C. 1603(b)(3)(B)) is amended to read as follows:

18 “(B) participates in a substantial way in
 19 the planning, supervision, or control of such
 20 lobbying activities;”.

21 (b) NO DONOR OR MEMBERSHIP LIST DISCLO-
 22 SURE.—Section 4(b) of the Act (2 U.S.C. 1603(b)) is
 23 amended by adding at the end the following:

24 “No disclosure is required under paragraph (3)(B) if it
 25 is publicly available knowledge that the organization that
 26 would be identified is affiliated with the client or has been

1 publicly disclosed to have provided funding to the client,
 2 unless the organization in whole or in major part plans,
 3 supervises, or controls such lobbying activities. Nothing in
 4 paragraph (3)(B) shall be construed to require the disclo-
 5 sure of any information about individuals who are mem-
 6 bers of, or donors to, an entity treated as a client by this
 7 Act or an organization identified under that paragraph.”.

8 **SEC. 218. DISCLOSURE OF ENFORCEMENT FOR NON-**
 9 **COMPLIANCE.**

10 Section 6 of the Act (2 U.S.C. 1605) is amended—

11 (1) by inserting “(a)” before “The Secretary of
 12 the Senate”;

13 (2) in paragraph (8), by striking “and” at the
 14 end;

15 (3) in paragraph (9), by striking the period and
 16 inserting “; and”;

17 (4) after paragraph (9), by inserting the fol-
 18 lowing:

19 “(10) make publicly available the aggregate
 20 number of lobbyists and lobbying firms, separately
 21 accounted, referred to the United States Attorney
 22 for the District of Columbia for noncompliance as
 23 required by paragraph (8) on a semi annual basis”;
 24 and

25 (5) by inserting at the end the following:

1 “(b) ENFORCEMENT REPORT.—The United States
 2 Attorney for the District of Columbia shall report to the
 3 Committee on Homeland Security and Governmental Af-
 4 fairs and the Committee on the Judiciary of the Senate
 5 and the Committee on Government Reform and the Com-
 6 mittee on the Judiciary of the House of Representatives
 7 on a semi annual basis the aggregate number of enforce-
 8 ment actions taken by the Attorney’s office under this Act
 9 and the amount of fines, if any, by case, except that such
 10 report shall not include the names of individuals or per-
 11 sonally identifiable information.”.

12 **SEC. 219. ELECTRONIC FILING OF LOBBYING DISCLOSURE**
 13 **REPORTS.**

14 Section 5 of the Act (2 U.S.C. 1604) is amended by
 15 adding at the end the following:

16 “(e) ELECTRONIC FILING REQUIRED.—A report re-
 17 quired to be filed under this section shall be filed in elec-
 18 tronic form, in addition to any other form. The Secretary
 19 of the Senate and the Clerk of the House of Representa-
 20 tives shall use the same electronic software for receipt and
 21 recording of filings under this Act.”.

1 **SEC. 220. ELECTRONIC FILING AND PUBLIC DATABASE FOR**
2 **LOBBYISTS FOR FOREIGN GOVERNMENTS.**

3 (a) **ELECTRONIC FILING.**—Section 2 of the Foreign
4 Agents Registration Act (22 U.S.C. 612) is amended by
5 adding at the end the following new subsection:

6 “(g) **ELECTRONIC FILING OF REGISTRATION STATE-**
7 **MENTS AND UPDATES.**—A registration statement or up-
8 date required to be filed under this section shall be filed
9 in electronic form, in addition to any other form that may
10 be required by the Attorney General.”.

11 (b) **PUBLIC DATABASE.**—Section 6 of the Foreign
12 Agents Registration Act (22 U.S.C. 616) is amended by
13 adding at the end the following new subsection:

14 “(d) **PUBLIC DATABASE OF REGISTRATION STATE-**
15 **MENTS AND UPDATES.**—

16 “(1) **IN GENERAL.**—The Attorney General shall
17 maintain, and make available to the public over the
18 Internet, without a fee or other access charge, in a
19 searchable, sortable, and downloadable manner, an
20 electronic database that—

21 “(A) includes the information contained in
22 registration statements and updates filed under
23 this Act;

24 “(B) directly links the information it con-
25 tains to the information disclosed in reports
26 filed with the Federal Election Commission

under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

“(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

“(2) **ACCOUNTABILITY.**—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the Internet not more than 48 hours after the registration statement or update is filed.”.

SEC. 221. ADDITIONAL LOBBYING DISCLOSURE REQUIREMENTS.

Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended by adding at the end the following:

“(8) a certification that the lobbying firm, or registrant, and each employee listed as a lobbyist under section 4(b)(6) or 5(b)(2)(C) for that lobbying firm or registrant, has not provided, requested, or directed a gift, including travel, to a Member or employee of Congress in violation rule XXXV of the Standing Rules of the Senate or rule XXV of the Rules of the House of Representatives.”.

1 **SEC. 222. INCREASED CRIMINAL PENALTIES FOR FAILURE**
 2 **TO COMPLY WITH LOBBYING DISCLOSURE**
 3 **REQUIREMENTS.**

4 Section 7 of the Lobbying Disclosure Act of 1995 (2
 5 U.S.C. 1606) is amended—

6 (1) by inserting “(a) CIVIL PENALTY.—” before
 7 “Whoever”; and

8 (2) by adding at the end the following:

9 “(b) CRIMINAL PENALTY.—Whoever knowingly, will-
 10 fully, and corruptly fails to comply with any provision of
 11 this section shall be imprisoned for not more than 10
 12 years, or fined under title 18, United States Code, or
 13 both.”.

14 **SEC. 223. EFFECTIVE DATE.**

15 This subtitle and the amendments made by this sub-
 16 title shall take effect January 1, 2008.

17 **Subtitle B—Oversight of Ethics and**
 18 **Lobbying**

19 **SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL**
 20 **REPORT.**

21 (a) AUDIT REQUIRED.—The Comptroller General
 22 shall audit on an annual basis lobbying registration and
 23 reports filed under the Lobbying Disclosure Act of 1995
 24 to determine the extent of compliance or noncompliance
 25 with the requirements of that Act by lobbyists and their
 26 clients.

1 (b) ANNUAL REPORTS.—Not later than April 1 of
2 each year, the Comptroller General shall submit to Con-
3 gress a report on the review required by subsection (a).
4 The report shall include the Comptroller General’s assess-
5 ment of the matters required to be emphasized by that
6 subsection and any recommendations of the Comptroller
7 General to—

8 (1) improve the compliance by lobbyists with
9 the requirements of that Act; and

10 (2) provide the Secretary of the Senate and the
11 Clerk of the House of Representatives with the re-
12 sources and authorities needed for effective adminis-
13 tration of that Act.

14 **SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR**
15 **MEMBERS AND STAFF.**

16 (a) TRAINING PROGRAM.—The Select Committee on
17 Ethics shall conduct ongoing ethics training and aware-
18 ness programs for Members of the Senate and Senate
19 staff.

20 (b) REQUIREMENTS.—The ethics training program
21 conducted by the Select Committee on Ethics shall be
22 completed by—

23 (1) new Senators or staff not later than 60
24 days after commencing service or employment; and

1 (2) Senators and Senate staff serving or em-
 2 ployed on the date of enactment of this Act not later
 3 than 120 days after the date of enactment of this
 4 Act.

5 **SEC. 233. SENSE OF THE SENATE REGARDING SELF-REGU-**
 6 **LATION WITHIN THE LOBBYING COMMUNITY.**

7 It is the sense of the Senate that the lobbying com-
 8 munity should develop proposals for multiple self-regu-
 9 latory organizations which could provide—

10 (1) for the creation of standards for the organi-
 11 zations appropriate to the type of lobbying and indi-
 12 viduals to be served;

13 (2) training for the lobbying community on law,
 14 ethics, reporting requirements, and disclosure re-
 15 quirements;

16 (3) for the development of educational materials
 17 for the public on how to responsibly hire a lobbyist
 18 or lobby firm;

19 (4) standards regarding reasonable fees to cli-
 20 ents;

21 (5) for the creation of a third-party certification
 22 program that includes ethics training; and

23 (6) for disclosure of requirements to clients re-
 24 garding fee schedules and conflict of interest rules.

1 **SEC. 234. ANNUAL ETHICS COMMITTEES REPORTS.**

2 The Committee on Standards of Official Conduct of
3 the House of Representatives and the Select Committee
4 on Ethics of the Senate shall each issue an annual report
5 due no later than January 31, describing the following:

6 (1) The number of alleged violations of Senate
7 or House rules including the number received from
8 third parties, from Members or staff within each
9 House, or inquiries raised by a Member or staff of
10 the respective House or Senate committee.

11 (2) A list of the number of alleged violations
12 that were dismissed—

13 (A) for lack of subject matter jurisdiction;

14 or

15 (B) because they failed to provide suffi-
16 cient facts as to any material violation of the
17 House or Senate rules beyond mere allegation
18 or assertion.

19 (3) The number of complaints in which the
20 committee staff conducted a preliminary inquiry.

21 (4) The number of complaints that staff pre-
22 sented to the committee with recommendations that
23 the complaint be dismissed.

24 (5) The number of complaints that the staff
25 presented to the committee with recommendation
26 that the investigation proceed.

1 (6) The number of ongoing inquiries.

2 (7) The number of complaints that the com-
3 mittee dismissed for lack of substantial merit.

4 (8) The number of private letters of admonition
5 or public letters of admonition issued.

6 (9) The number of matters resulting in a dis-
7 ciplinary sanction.

8 **Subtitle C—Slowing the Revolving** 9 **Door**

10 **SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OF-** 11 **FICERS, EMPLOYEES, AND ELECTED OFFI-** 12 **CIALS OF THE EXECUTIVE AND LEGISLATIVE** 13 **BRANCHES.**

14 (a) VERY SENIOR EXECUTIVE PERSONNEL.—The
15 matter after subparagraph (C) in section 207(d)(1) of title
16 18, United States Code, is amended by striking “within
17 1 year” and inserting “within 2 years”.

18 (b) RESTRICTIONS ON LOBBYING BY MEMBERS OF
19 CONGRESS AND EMPLOYEES OF CONGRESS.—Subsection
20 (e) of section 207 of title 18, United States Code, is
21 amended—

22 (1) in paragraph (1)(A), by striking “within 1
23 year” and inserting “within 2 years”;

24 (2) by striking paragraphs (2) through (5) and
25 inserting the following:

1 “(2) CONGRESSIONAL STAFF.—

2 “(A) PROHIBITION.—Any person who is an
3 employee of a House of Congress and who,
4 within 1 year after that person leaves office,
5 knowingly makes, with the intent to influence,
6 any communication to or appearance before any
7 of the persons described in subparagraph (B),
8 on behalf of any other person (except the
9 United States) in connection with any matter
10 on which such former employee seeks action by
11 a Member, officer, or employee of either House
12 of Congress, in his or her official capacity, shall
13 be punished as provided in section 216 of this
14 title.

15 “(B) CONTACT PERSONS COVERED.—Per-
16 sons referred to in subparagraph (A) with re-
17 spect to appearances or communications are
18 any Member, officer, or employee of the House
19 of Congress in which the person subject to sub-
20 paragraph (A) was employed. This subpara-
21 graph shall not apply to contacts with staff of
22 the Secretary of the Senate or the Clerk of the
23 House of Representatives regarding compliance
24 with lobbying disclosure requirements under the
25 Lobbying Disclosure Act of 1995.

1 “(3) MEMBERS OF CONGRESS AND ELECTED
 2 OFFICERS.—Any person who is a Member of Con-
 3 gress or an elected officer of either House of Con-
 4 gress and who, within 2 years after that person
 5 leaves office, knowingly engages in lobbying activities
 6 on behalf of any other person (except the United
 7 States) in connection with any matter on which such
 8 former Member of Congress or elected officer seeks
 9 action by a Member, officer, or employee of either
 10 House of Congress shall be punished as provided in
 11 section 216 of this title.”.

12 (3) in paragraph (6)—

13 (A) by striking “paragraphs (2), (3), and
 14 (4)” and inserting “paragraph (2)”;

15 (B) by striking “(A)”;

16 (C) by striking subparagraph (B); and

17 (D) by redesignating the paragraph as
 18 paragraph (4); and

19 (4) by redesignating paragraph (7) as para-
 20 graph (5).

21 (c) DEFINITION OF LOBBYING ACTIVITY.—Section
 22 207(i) of title 18, United States Code, is amended—

23 (1) in paragraph (2), by striking “and” after
 24 the semicolon;

1 (2) in paragraph (3), by striking the period and
 2 inserting “; and”; and

3 (3) by adding at the end the following:

4 “(4) the term ‘lobbying activities’ has the same
 5 meaning given such term in section 3(7) of the Lob-
 6 bying Disclosure Act (2 U.S.C. 1602(7)).”.

7 (d) EFFECTIVE DATE.—The amendments made by
 8 subsection (b) shall take effect 60 days after the date of
 9 enactment of this Act.

10 **Subtitle D—Ban on Provision of**
 11 **Gifts or Travel by Lobbyists in**
 12 **Violation of the Rules of Con-**
 13 **gress**

14 **SEC. 251. PROHIBITION ON PROVISION OF GIFTS OR TRAV-**
 15 **EL BY REGISTERED LOBBYISTS TO MEMBERS**
 16 **OF CONGRESS AND TO CONGRESSIONAL EM-**
 17 **PLOYEES.**

18 The Lobbying Disclosure Act of 1995 is amended by
 19 adding at the end the following:

20 **“SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAV-**
 21 **EL BY REGISTERED LOBBYISTS TO MEMBERS**
 22 **OF CONGRESS AND TO CONGRESSIONAL EM-**
 23 **PLOYEES.**

24 “(a) PROHIBITION.—Persons described in subsection
 25 (b) may not make a gift or provide travel to a Member,

1 Delegate, Resident Commissioner, officer, or employee of
 2 Congress, if the person has knowledge that the gift or
 3 travel may not be accepted under the rules of the House
 4 of Representatives or the Senate.

5 “(b) PERSONS SUBJECT TO PROHIBITION.—The per-
 6 sons subject to the prohibition in subsection (a) are any
 7 lobbyist that registers under section 4(a)(1), any organiza-
 8 tion that employs 1 or more lobbyists and registers under
 9 section 4(a)(2), and any employee listed as a lobbyist by
 10 a registrant under section 4(b)(6).

11 “(c) PENALTY.—Any person who violates this section
 12 shall be subject to the penalties provided in section 7.”.

13 **Subtitle E—Commission to**
 14 **Strengthen Confidence in Con-**
 15 **gress Act of 2007**

16 **SEC. 261. SHORT TITLE.**

17 This subtitle may be cited as the “Commission to
 18 Strengthen Confidence in Congress Act of 2007”.

19 **SEC. 262. ESTABLISHMENT OF COMMISSION.**

20 There is established in the legislative branch a com-
 21 mission to be known as the “Commission to Strengthen
 22 Confidence in Congress” (in this subtitle referred to as
 23 the “Commission”).

24 **SEC. 263. PURPOSES.**

25 The purposes of the Commission are to—

(1) evaluate and report the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and make recommendations for new penalties;

(2) weigh the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues;

(3) determine whether the current system for enforcing ethics rules and standards of conduct is sufficiently effective and transparent;

(4) determine whether the statutory framework governing lobbying disclosure should be expanded to include additional means of attempting to influence Members of Congress, senior staff, and high-ranking executive branch officials;

(5) analyze and evaluate the changes made by this Act to determine whether additional changes need to be made to uphold and enforce standards of ethical conduct and disclosure requirements; and

(6) investigate and report to Congress on its findings, conclusions, and recommendations for reform.

SEC. 264. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

1 (1) the chair and vice chair shall be selected by
 2 agreement of the majority leader and minority lead-
 3 er of the House of Representatives and the majority
 4 leader and minority leader of the Senate;

5 (2) 2 members shall be appointed by the senior
 6 member of the Senate leadership of the Republican
 7 Party, 1 of which is a former member of the Senate;

8 (3) 2 members shall be appointed by the senior
 9 member of the Senate leadership of the Democratic
 10 Party, 1 of which is a former member of the Senate;

11 (4) 2 members shall be appointed by the senior
 12 member of the leadership of the House of Represent-
 13 atives of the Republican Party, 1 of which is a
 14 former member of the House of Representatives; and

15 (5) 2 members shall be appointed by the senior
 16 member of the leadership of the House of Represent-
 17 atives of the Democratic Party, 1 of which is a
 18 former member of the House of Representatives.

19 (b) QUALIFICATIONS; INITIAL MEETING.—

20 (1) POLITICAL PARTY AFFILIATION.—Five
 21 members of the Commission shall be Democrats and
 22 5 Republicans.

23 (2) NONGOVERNMENTAL APPOINTEES.—An in-
 24 dividual appointed to the Commission may not be an

1 officer or employee of the Federal Government or
2 any State or local government.

3 (3) OTHER QUALIFICATIONS.—It is the sense of
4 Congress that individuals appointed to the Commis-
5 sion should be prominent United States citizens,
6 with national recognition and significant depth of ex-
7 perience in professions such as governmental service,
8 government consulting, government contracting, the
9 law, higher education, historian, business, public re-
10 lations, and fundraising.

11 (4) DEADLINE FOR APPOINTMENT.—All mem-
12 bers of the Commission shall be appointed on a date
13 3 months after the date of enactment of this Act.

14 (5) INITIAL MEETING.—The Commission shall
15 meet and begin the operations of the Commission as
16 soon as practicable.

17 (c) QUORUM; VACANCIES.—After its initial meeting,
18 the Commission shall meet upon the call of the chairman
19 or a majority of its members. Six members of the Commis-
20 sion shall constitute a quorum. Any vacancy in the Com-
21 mission shall not affect its powers, but shall be filled in
22 the same manner in which the original appointment was
23 made.

1 **SEC. 265. FUNCTIONS OF COMMISSION.**

2 The functions of the Commission are to submit to
3 Congress a report required by this title containing such
4 findings, conclusions, and recommendations as the Com-
5 mission shall determine, including proposing organization,
6 coordination, planning, management arrangements, proce-
7 dures, rules and regulations—

8 (1) related to section 263; or

9 (2) related to any other areas the commission
10 unanimously votes to be relevant to its mandate to
11 recommend reforms to strengthen ethical safeguards
12 in Congress.

13 **SEC. 266. POWERS OF COMMISSION.**

14 (a) **HEARINGS AND EVIDENCE.**—The Commission or,
15 on the authority of the Commission, any subcommittee or
16 member thereof, may, for the purpose of carrying out this
17 title hold such hearings and sit and act at such times and
18 places, take such testimony, receive such evidence, admin-
19 ister such oaths.

20 (b) **OBTAINING INFORMATION.**—Upon request of the
21 Commission, the head of any agency or instrumentality
22 of the Federal Government shall furnish information
23 deemed necessary by the panel to enable it to carry out
24 its duties.

25 (c) **LIMIT ON COMMISSION AUTHORITY.**—The Com-
26 mission shall not conduct any law enforcement investiga-

tion, function as a court of law, or otherwise usurp the duties and responsibilities of the ethics committee of the House of Representatives or the Senate.

SEC. 267. ADMINISTRATION.

(a) COMPENSATION.—Except as provided in subsection (b), members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(b) TRAVEL EXPENSES AND PER DIEM.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) STAFF AND SUPPORT SERVICES.—

(1) STAFF DIRECTOR.—

(A) APPOINTMENT.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint a staff director for the Commission.

(B) COMPENSATION.—The staff director shall be paid at a rate not to exceed the rate established for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(2) STAFF.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commis-

1 sion shall appoint such additional personnel as the
2 Commission determines to be necessary.

3 (3) APPLICABILITY OF CIVIL SERVICE LAWS.—

4 The staff director and other members of the staff of
5 the Commission shall be appointed without regard to
6 the provisions of title 5, United States Code, gov-
7 erning appointments in the competitive service, and
8 shall be paid without regard to the provisions of
9 chapter 51 and subchapter III of chapter 53 of such
10 title relating to classification and General Schedule
11 pay rates.

12 (4) EXPERTS AND CONSULTANTS.—With the
13 approval of the Commission, the staff director may
14 procure temporary and intermittent services under
15 section 3109(b) of title 5, United States Code.

16 (d) PHYSICAL FACILITIES.—The Architect of the
17 Capitol, in consultation with the appropriate entities in the
18 legislative branch, shall locate and provide suitable office
19 space for the operation of the Commission on a non-
20 reimbursable basis. The facilities shall serve as the head-
21 quarters of the Commission and shall include all necessary
22 equipment and incidentals required for the proper func-
23 tioning of the Commission.

24 (e) ADMINISTRATIVE SUPPORT SERVICES AND
25 OTHER ASSISTANCE.—

1 (1) IN GENERAL.—Upon the request of the
2 Commission, the Architect of the Capitol and the
3 Administrator of General Services shall provide to
4 the Commission on a nonreimbursable basis such ad-
5 ministrative support services as the Commission may
6 request.

7 (2) ADDITIONAL SUPPORT.—In addition to the
8 assistance set forth in paragraph (1), departments
9 and agencies of the United States may provide the
10 Commission such services, funds, facilities, staff,
11 and other support services as the Commission may
12 deem advisable and as may be authorized by law.

13 (f) USE OF MAILS.—The Commission may use the
14 United States mails in the same manner and under the
15 same conditions as Federal agencies and shall, for pur-
16 poses of the frank, be considered a commission of Con-
17 gress as described in section 3215 of title 39, United
18 States Code.

19 (g) PRINTING.—For purposes of costs relating to
20 printing and binding, including the cost of personnel de-
21 tailed from the Government Printing Office, the Commis-
22 sion shall be deemed to be a committee of the Congress.

1 **SEC. 268. SECURITY CLEARANCES FOR COMMISSION MEM-**
2 **BERS AND STAFF.**

3 The appropriate Federal agencies or departments
4 shall cooperate with the Commission in expeditiously pro-
5 viding to the Commission members and staff appropriate
6 security clearances to the extent possible pursuant to ex-
7 isting procedures and requirements, except that no person
8 shall be provided with access to classified information
9 under this title without the appropriate security clear-
10 ances.

11 **SEC. 269. COMMISSION REPORTS; TERMINATION.**

12 (a) ANNUAL REPORTS.—The Commission shall
13 submit—

14 (1) an initial report to Congress not later than
15 July 1, 2007; and

16 (2) annual reports to Congress after the report
17 required by paragraph (1);

18 containing such findings, conclusions, and recommenda-
19 tions for corrective measures as have been agreed to by
20 a majority of Commission members.

21 (b) REPORT REGARDING POLITICAL CONTRIBU-
22 TIONS.—

23 (1) IN GENERAL.—Not later than 6 months
24 after the date of enactment of this Act, the Commis-
25 sion shall submit a report to Congress detailing the
26 number, type, and quantity of contributions made to

1 Members of the Senate or the House of Representa-
2 tives during the 30-month period beginning on the
3 date that is 24 months before the date of enactment
4 of the Acts identified in paragraph (2) by the cor-
5 responding organizations identified in paragraph (2).

6 (2) ORGANIZATIONS AND ACTS.—The report
7 submitted under paragraph (1) shall detail the num-
8 ber, type, and quantity of contributions made to
9 Members of the Senate or the House of Representa-
10 tives as follows:

11 (A) For the Medicare Prescription Drug,
12 Improvement, and Modernization Act of 2003
13 (Public Law 108–173; 117 Stat. 2066), any
14 contribution made during the time period de-
15 scribed in paragraph (1) by or on behalf of a
16 political action committee associated or affili-
17 ated with—

18 (i) a pharmaceutical company; or

19 (ii) a trade association for pharma-
20 ceutical companies.

21 (B) For the Bankruptcy Abuse Prevention
22 and Consumer Protection Act of 2005 (Public
23 Law 109–8; 119 Stat. 23), any contribution
24 made during the time period described in para-

graph (1) by or on behalf of a political action
committee associated or affiliated with—

(i) a bank or financial services com-
pany;

(ii) a company in the credit card in-
dustry; or

(iii) a trade association for any such
companies.

(C) For the Energy Policy Act of 2005
(Public Law 109–58; 119 Stat. 594), any con-
tribution made during the time period described
in paragraph (1) by or on behalf of a political
action committee associated or affiliated with—

(i) a company in the oil, natural gas,
nuclear, or coal industry; or

(ii) a trade association for any such
companies.

(D) For the Dominican Republic-Central
America-United States Free Trade Agreement
Implementation Act (Public Law 109–53; 119
Stat. 462), any contribution made during the
time period described in paragraph (1) by or on
behalf of a political action committee associated
or affiliated with—

1 (i) the United States Chamber of
2 Commerce, the National Association of
3 Manufacturers, the Business Roundtable,
4 the National Federation of Independent
5 Business, the Emergency Committee for
6 American Trade, or any member company
7 of such entities; or

8 (ii) any other free trade organization
9 funded primarily by corporate entities.

10 (3) AGGREGATE REPORTING.—The report sub-
11 mitted under paragraph (1)—

12 (A) shall not list the particular Member of
13 the Senate or House of Representative that re-
14 ceived a contribution; and

15 (B) shall report the aggregate amount of
16 contributions given by each entity identified in
17 paragraph (2) to—

18 (i) Members of the Senate during the
19 time period described in paragraph (1) for
20 the corresponding Act identified in para-
21 graph (2); and

22 (ii) Members of the House of Rep-
23 resentatives during the time period de-
24 scribed in paragraph (1) for the cor-
25 responding Act identified in paragraph (2).

1 (4) DEFINITIONS.—In this subsection—

2 (A) the terms “authorized committee”,
3 “candidate”, “contribution”, “political com-
4 mittee”, and “political party” have the mean-
5 ings given such terms in section 301 of the
6 Federal Election Campaign Act of 1971 (2
7 U.S.C. 431); and

8 (B) the term “political action committee”
9 means any political committee that is not—

10 (i) a political committee of a political
11 party; or

12 (ii) an authorized committee of a can-
13 didate.

14 (c) ADMINISTRATIVE ACTIVITIES.—During the 60-
15 day period beginning on the date of submission of each
16 annual report and the final report under this section, the
17 Commission shall—

18 (1) be available to provide testimony to commit-
19 tees of Congress concerning such reports; and

20 (2) take action to appropriately disseminate
21 such reports.

22 (d) TERMINATION OF COMMISSION.—

23 (1) FINAL REPORT.—Five years after the date
24 of enactment of this Act, the Commission shall sub-

1 mit to Congress a final report containing informa-
 2 tion described in subsection (a).

3 (2) **TERMINATION.**—The Commission, and all
 4 the authorities of this title, shall terminate 60 days
 5 after the date on which the final report is submitted
 6 under paragraph (1), and the Commission may use
 7 such 60-day period for the purpose of concluding its
 8 activities.

9 **SEC. 270. FUNDING.**

10 There are authorized such sums as necessary to carry
 11 out this title.

12 **TITLE III—CONGRESSIONAL**
 13 **PENSION ACCOUNTABILITY**

14 **SEC. 301. SHORT TITLE.**

15 This title may be cited as the “Congressional Pension
 16 Accountability Act”.

17 **SEC. 302. DENIAL OF RETIREMENT BENEFITS.**

18 (a) **IN GENERAL.**—Section 8312(a) of title 5, United
 19 States Code, is amended—

20 (1) by striking “or” at the end of paragraph
 21 (1), by striking the period at the end of paragraph
 22 (2) and inserting “; or”, and by inserting after para-
 23 graph (2) the following:

1 “(3) was convicted of an offense described in
 2 subsection (d), to the extent provided by that sub-
 3 section.”; and

4 (2) by striking “and” at the end of subpara-
 5 graph (A), by striking the period at the end of sub-
 6 paragraph (B) and inserting “; and”, and by insert-
 7 ing after subparagraph (B) the following:

8 “(C) with respect to the offenses described in
 9 subsection (d), to the period after the date of convic-
 10 tion.”.

11 (b) OFFENSES DESCRIBED.—Section 8312 of such
 12 title 5 is amended by redesignating subsection (d) as sub-
 13 section (e), and by inserting after subsection (c) the fol-
 14 lowing:

15 “(d) The offenses to which subsection (a)(3) applies
 16 are the following:

17 “(1) An offense within the purview of—

18 “(A) section 201 of title 18 (bribery of
 19 public officials and witnesses); or

20 “(B) section 371 of title 18 (conspiracy to
 21 commit offense or to defraud United States), to
 22 the extent of any conspiracy to commit an act
 23 which constitutes an offense within the purview
 24 of such section 201.

1 “(2) Perjury committed under the statutes of
 2 the United States or the District of Columbia in
 3 falsely denying the commission of any act which con-
 4 stitutes an offense within the purview of a statute
 5 named by paragraph (1), but only in the case of the
 6 statute named by subparagraph (B) of paragraph
 7 (1).

8 “(3) Subornation of perjury committed in con-
 9 nection with the false denial or false testimony of
 10 another individual as specified by paragraph (2).

11 An offense shall not be considered to be an offense de-
 12 scribed in this subsection except if or to the extent that
 13 it is committed by a Member of Congress (as defined by
 14 section 2106, including a Delegate to Congress).”.

15 (c) ABSENCE FROM UNITED STATES TO AVOID
 16 PROSECUTION.—Section 8313(a)(1) of such title 5 is
 17 amended by striking “or” at the end of subparagraph (A),
 18 by striking “and” at the end of subparagraph (B) and
 19 inserting “or”, and by adding at the end the following:

20 “(C) for an offense described under sub-
 21 section (d) of section 8312; and”.

22 (d) NONACCRUAL OF INTEREST ON REFUNDS.—Sec-
 23 tion 8316(b) of such title 5 is amended by striking “or”
 24 at the end of paragraph (1), by striking the period at the

1 end of paragraph (2) and inserting “; or”, and by adding
 2 at the end the following:

3 “(3) if the individual was convicted of an of-
 4 fense described in section 8312(d), for the period
 5 after the conviction.”.

6 **SEC. 303. CONSTITUTIONAL AUTHORITY.**

7 The Constitutional authority for this title is the
 8 power of Congress to make all laws which shall be nec-
 9 essary and proper as enumerated in Article I, Section 8
 10 of the United States Constitution, and the power to ascer-
 11 tain compensation for Congressional service under Article
 12 I, Section 6 of the United States Constitution.

13 **SEC. 304. EFFECTIVE DATE.**

14 This title, including the amendments made by this
 15 title, shall take effect on January 1, 2009 and shall apply
 16 with respect to convictions for offenses committed on or
 17 after the date of enactment of this Act.

18 **TITLE IV—GENERAL**
 19 **PROVISIONS**

20 **SEC. 401. KNOWING AND WILLFUL FALSIFICATION OR FAIL-**
 21 **URE TO REPORT.**

22 Section 104(a) of the Ethics in Government Act of
 23 1978 (5 U.S.C. App.) is amended—

24 (1) by inserting “(1)” after “(a)”;

1 (2) in paragraph (1), as so designated, by strik-
2 ing “\$10,000” and inserting “\$50,000”; and

3 (3) by adding at the end the following:

4 “(2)(A) It shall be unlawful for any person to know-
5 ingly and willfully falsify, or to knowingly and willingly
6 fails to file or report, any information that such person
7 is required to report under section 102.

8 “(B) Any person who violates subparagraph (A) shall
9 be fined under title 18, United States Code, imprisoned
10 for not more than 1 year, or both.”.

11 **SEC. 402. PUBLIC AVAILABILITY OF SENATE COMMITTEE**
12 **AND SUBCOMMITTEE MEETINGS.**

13 (a) IN GENERAL.—Paragraph 5(e) of rule XXVI of
14 the Standing Rules of the Senate is amended by—

15 (1) by inserting after “(e)” the following: “(1)”;

16 and

17 (2) by adding at the end the following:

18 “(2) Except with respect to meetings closed in ac-
19 cordance with this rule, each committee and subcommittee
20 shall make publicly available through the Internet a video
21 recording, audio recording, or transcript of any meeting
22 not later than 14 business days after the meeting occurs.”.

23 (b) EFFECTIVE DATE.—This section shall take effect
24 October 1, 2007.

1 **SEC. 403. FREE ATTENDANCE AT A BONA FIDE CON-**
 2 **STITUENT EVENT.**

3 (a) IN GENERAL.—Paragraph 1(c) of rule XXXV of
 4 the Senate Rules is amended by adding at the end the
 5 following:

6 “(24) Subject to the restrictions in subpara-
 7 graph (a)(2), free attendance at a bona fide con-
 8 stituent event permitted pursuant to subparagraph
 9 (h).”.

10 (b) IN GENERAL.—Paragraph 1 of rule XXXV of the
 11 Senate Rules is amended by adding at the end the fol-
 12 lowing:

13 “(h)(1) A Member, officer, or employee may ac-
 14 cept an offer of free attendance in the Member’s
 15 home State at a convention, conference, symposium,
 16 forum, panel discussion, dinner event, site visit,
 17 viewing, reception, or similar event, provided by a
 18 sponsor of the event, if—

19 “(A) the cost of meals provided the Mem-
 20 ber, officer or employee does not exceed \$50;

21 “(B)(i) the event is sponsored by bona fide
 22 constituents of, or a group that consists pri-
 23 marily of bona fide constituents of, the Member
 24 (or the Member by whom the officer or em-
 25 ployee is employed); and

“(ii) the event will be attended primarily by a group of at least 5 bona fide constituents of the Member (or the Member by whom the officer or employee is employed) provided that an individual registered to lobby under the Federal Lobbying Disclosure Act shall not attend the event; and

“(C)(i) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member’s, officer’s, or employee’s official position; or

“(ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

“(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor’s unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the Senate.

1 “(3) For purposes of this paragraph, the term
2 ‘free attendance’ has the same meaning as in sub-
3 paragraph (d).

4 **SEC. 404. PROHIBITION ON FINANCIAL GAIN FROM EAR-**
5 **MARKS BY MEMBERS, IMMEDIATE FAMILY OF**
6 **MEMBERS, STAFF OF MEMBERS, OR IMME-**
7 **Diate FAMILY OF STAFF OF MEMBERS.**

8 Rule XXXVII of the Standing Rules of the Senate
9 is amended by adding at the end the following:

10 “15. (a) No Member shall use his official position to
11 introduce, request, or otherwise aid the progress or pas-
12 sage of a congressional earmark that will financially ben-
13 efit or otherwise further the pecuniary interest of such
14 Member, the spouse of such Member, the immediate fam-
15 ily member of such Member, any employee on the staff
16 of such Member, the spouse of an employee on the staff
17 of such Member, or immediate family member of an em-
18 ployee on the staff of such Member.

19 “(b) For purposes of this paragraph—

20 “(1) the term ‘immediate family member’
21 means the son, daughter, stepson, stepdaughter,
22 son-in-law, daughter-in-law, mother, father, step-
23 mother, stepfather, mother-in-law, father-in-law,
24 brother, sister, stepbrother, or stepsister of a Mem-
25 ber or any employee on the staff (including staff in

1 personal, committee and leadership offices) of a
 2 Member; and

3 “(2) the term ‘congressional earmark’ means—

4 “(A) a provision or report language in-
 5 cluded primarily at the request of a Member,
 6 Delegate, Resident Commissioner, or Senator
 7 providing, authorizing or recommending a spe-
 8 cific amount of discretionary budget authority,
 9 credit authority, or other spending authority for
 10 a contract, loan, loan guarantee, grant, loan au-
 11 thority, or other expenditure with or to an enti-
 12 ty, or targeted to a specific State, locality or
 13 Congressional district, other than through a
 14 statutory or administrative formula-driven or
 15 competitive award process;

16 “(B) any revenue-losing provision that—

17 “(i) provides a Federal tax deduction,
 18 credit, exclusion, or preference to 10 or
 19 fewer beneficiaries under the Internal Rev-
 20 enue Code of 1986; and

21 “(ii) contains eligibility criteria that
 22 are not uniform in application with respect
 23 to potential beneficiaries of such provision;

24 “(C) any Federal tax provision which pro-
 25 vides one beneficiary temporary or permanent

1 transition relief from a change to the Internal
 2 Revenue Code of 1986; and

3 “(D) any provision modifying the Har-
 4 monized Tariff Schedule of the United States in
 5 a manner that benefits 10 or fewer entities.”.

6 **SEC. 405. AMENDMENTS AND MOTIONS TO RECOMMIT.**

7 Paragraph 1 of Rule XV of the Standing Rules of
 8 the Senate is amended to read as follows:

9 “1. (a) An amendment and any instruction ac-
 10 companying a motion to recommit shall be reduced
 11 to writing and read and identical copies shall be pro-
 12 vided by the Senator offering the amendment or in-
 13 struction to the desks of the Majority Leader and
 14 the Minority Leader before being debated.

15 “(b) A motion shall be reduced to writing, if de-
 16 sired by the Presiding Officer or by any Senator,
 17 and shall be read before being debated.”.

18 **SEC. 406. CONGRESSIONAL TRAVEL PUBLIC WEBSITE.**

19 (a) IN GENERAL.—Not later than January 1, 2008,
 20 the Secretary of the Senate and the Clerk of the House
 21 of Representatives shall each establish a publicly available
 22 website without fee or without access charge, that contains
 23 information on all officially related congressional travel
 24 that is subject to disclosure under the gift rules of the

1 Senate and the House of Representatives, respectively,
2 that includes—

3 (1) a search engine;

4 (2) uniform categorization by Member, dates of
5 travel, and any other common categories associated
6 with congressional travel; and

7 (3) all forms filed in the Senate and the House
8 of Representatives relating to officially-related travel
9 referred to in paragraph (2), including the “Disclo-
10 sure of Member or Officer’s Reimbursed Travel Ex-
11 penses” form in the Senate.

12 (b) EXTENSION AUTHORITY.—If the Secretary of the
13 Senate or the Clerk of the House of Representatives is
14 unable to meet the deadline established under subsection
15 (a), the Committee on Rules and Administration of the
16 Senate or the Committee on Rules of the House of Rep-
17 resentatives may grant an extension of such date for the
18 Secretary of the Senate or the Clerk of the House of Rep-
19 resentatives, respectively.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.

Passed the Senate January 18, 2007.

Attest:

Secretary.

110TH CONGRESS
1ST SESSION

S. 1

AN ACT

To provide greater transparency in the legislative
process.